

| <b>DECLARATION AND POWER<br/>OF ATTORNEY FOR UTILITY<br/>OR DESIGN<br/><br/>PATENT APPLICATION</b>  |                          | Attorney Docket No. 53951-144            |   |  |                      |                          |  |  |  |  |  |   |  |
|---|--------------------------|--|---|--|----------------------|--------------------------|--|--|--|--|--|---|--|
|   |                          | First Named Inventor BURBANK, Jeffrey H. |   |  |                      |                          |  |  |  |  |  |   |  |
|   |                          | <b>COMPLETE IF KNOWN</b>                 |   |  |                      |                          |  |  |  |  |  |   |  |
|   |                          | Application Serial Number 10/544,124     | Filing Date 14 January 2004 (under 371) |  |                      |                          |  |  |  |  |  |   |  |
| <input type="checkbox"/> Declaration Submitted with Initial Filing<br><input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge 37 CFR 1.16(e) required)   |                          | Group Art Unit not applicable            | Examiner Name not applicable            |  |                      |                          |  |  |  |  |  |   |  |
|   |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| <b>As a below named inventor, I hereby declare that:</b><br>My (our) residence, mailing address, and citizenship are as stated below next to my name. I (we) believe I (we) am (are) the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| <b>WASTE BALANCING FOR EXTRACORPOREAL BLOOD TREATMENT SYSTEMS</b>   |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| the specification of which:<br><input type="checkbox"/> is attached hereto;<br>OR<br><input checked="" type="checkbox"/> was filed on (14 January 2004) as United States Application Serial Number or PCT International Application Number 10/544,124 and was amended on (MM/DD/YYYY) (if applicable).  |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| I (we) hereby state that I (we) have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above. I (we) acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information known by me which became available between the filing date of the prior application and the national or Patent Cooperation Treaty (PCT) or international filing date of the continuation-in-part application.  |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| <b>For Assigned or Obligated to be Assigned Inventions:</b> By executing this Power of Attorney, I (am)/(we) are allowing PROSKAUER ROSE LLP (the Firm) to prosecute the above-referenced patent application and to prosecute any matters that arise before the Patent Office during the enforceable life of the above-identified application, any patent that issues from this application and any future applications and/or patents, in any country, that claim priority to the above-identified application/patent. Although the Power states that I (am)/(we) are appointing the Firm with "power of attorney" for the sole purpose of prosecuting the matters arising before the Patent Office in connection with the patent and patent application, that appointment is understood solely in light of my (our) nominal interest in the application/patent. I/we understand that, despite the use of the phrase "power of attorney," the executed power of attorney does not create any attorney-client relationship between me/our and the Firm, or between the Firm and any other person. The assignee in law or in fact will remain the Firm's sole client with respect to the application and/or patent. Accordingly, the firm understands, and my/our signature on the Power confirms, that the Firm has no attorney-client relationship with Assignor/inventor, or with me/us personally. |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| I (we) hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), 172 or 365(b) of any foreign application(s) for patent, or inventor's certificate(s), or 365(a) of any Patent Cooperation Treaty (PCT) or international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, or inventor's certificate(s), or of any PCT or international application having a filing date before that of the application on which priority is claimed.  |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Prior Foreign Application Number(s)</th> <th style="width: 30%;">Country</th> <th style="width: 20%;">Foreign Filing Date (MM/DD/YYYY)</th> <th style="width: 10%;">Priority Not Claimed</th> <th style="width: 10%;">Certified Copy Attached?</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></td> </tr> </tbody> </table>  |                          | Prior Foreign Application Number(s)      | Country                                 | Foreign Filing Date (MM/DD/YYYY)                         | Priority Not Claimed | Certified Copy Attached? |  |  |  | <input type="checkbox"/>   | YES <input type="checkbox"/> NO <input type="checkbox"/> | <input type="checkbox"/> Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto. |  |
| Prior Foreign Application Number(s)   | Country                  | Foreign Filing Date (MM/DD/YYYY)         | Priority Not Claimed                    | Certified Copy Attached?                                 |                      |                          |  |  |  |  |  |   |  |
|   |                          |  | <input type="checkbox"/>                | YES <input type="checkbox"/> NO <input type="checkbox"/> |                      |                          |  |  |  |  |  |   |  |
| I (we) hereby claim the benefit under 35 U.S.C. 119(c) of any United States provisional application(s) listed below.  |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Application Serial Number(s)</th> <th style="width: 50%;">Filing Date (MM/DD/YYYY)</th> </tr> </thead> <tbody> <tr> <td>60/440146</td> <td>15 January 2003</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>   |                          | Application Serial Number(s)             | Filing Date (MM/DD/YYYY)                | 60/440146  | 15 January 2003      |                          |  |  |  | <input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto. |  |   |  |
| Application Serial Number(s)  | Filing Date (MM/DD/YYYY) |  |   |  |                      |                          |  |  |  |  |  |   |  |
| 60/440146   | 15 January 2003          |  |   |  |                      |                          |  |  |  |  |  |   |  |
|   |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
|   |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |
| November 10, 2003   |                          |  |   |  |                      |                          |  |  |  |  |  |   |  |

## DECLARATION – Utility or Design Patent Application

I (we) hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any Patent Cooperation Treaty or international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or Patent Cooperation Treaty or International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or Patent Cooperation Treaty or international filing date of this application.

| U.S. Parent Application or PCT Parent<br>Serial Number | Parent Filing Date<br>(MM/DD/YYYY) | Parent Patent Number<br>(if applicable) |
|--|------------------------------------|---|
| PCT/US04/000921  | 14 January 2004                    |   |

☐ Additional U.S. or Patent Cooperation Treaty or international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I (we) hereby appoint(s) the practitioner(s) associated with:

**Customer Number: 61263**

as attorney(s) and/or agent(s) to prosecute and transact all business in the U.S. Patent and Trademark Office in connection therewith. Customer Number 61263 is assigned to Proskauer Rose LLP, 1001 Pennsylvania Avenue, N.W., Suite 400 South, Washington, DC. 20004.

As a named inventor, I (we) hereby grant additional Power of Attorney to the attorney(s) and/or agent(s) named below to file and prosecute foreign national applications in any and all countries of the world, regional patent applications under the European Patent Convention and/or international applications under the Patent Cooperation Treaty based upon the patent application identified above, including power to meet all designated office requirements for designated states.

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| Sandra A. Brockman-Lee | Reg. No. 44,045 | Scott K. Witonsky   | Reg. No. 56,471 |



☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator  
 Proskauer Rose LLP  
 1001 Pennsylvania Avenue, N.W.  
 Suite 400 South  
 Tel. No: (202) 416-6800  
 Fax No: (202) 416-6899

**CUSTOMER NO 61263**

I (we) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|  |      |   |       |    |         |                        |             |               |  |           |  |
|--|------|---|-------|----|---------|------------------------|-------------|---------------|--|-----------|--|
| Name of Sole or First Inventor:  |      | <input type="checkbox"/> A petition has been filed for this unsigned inventor     |       |    |         |                        |             |               |  |           |  |
| Given Name (first and middle [if any])   |      |   |       |    |         | Family Name or Surname |             |               |  |           |  |
| JEFFREY H.   |      |   |       |    |         | BURBANK                |             |               |  |           |  |
| Inventor's Signature   |      |  |       |    |         |                        |             | Date          |  | 7/11-9/06 |  |
| Residence  | City | Boxford   | State | MA | Country | United States          | Citizenship | United States |  |           |  |
| Mailing Address  |      | 18 Sunrise Rd   |       |    |         |                        |             |               |  |           |  |
| Mailing Address (In. 2)  | City | Boxford   | State | MA | ZIP     | 01920                  | Country     | United States |  |           |  |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. |      |   |       |    |         |                        |             |               |  |           |  |
| Name of Additional Joint Inventor, if any:   |      | <input type="checkbox"/> A petition has been filed for this unsigned inventor     |       |    |         |                        |             |               |  |           |  |
| Given Name (first and middle [if any])   |      |   |       |    |         | Family Name or Surname |             |               |  |           |  |
| JAMES M.   |      |   |       |    |         | BRUGGER                |             |               |  |           |  |
| Inventor's Signature   |      |  |       |    |         |                        |             | Date          |  | 07-Aug-06 |  |
| Residence  | City | Newburyport   | State | MA | Country | United States          | Citizenship | United States |  |           |  |
| Mailing Address  |      | 4 Savory St   |       |    |         |                        |             |               |  |           |  |
| Mailing Address (In. 2)  | City | Newburyport   | State | MA | ZIP     | 01950                  | Country     | United States |  |           |  |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. |      |   |       |    |         |                        |             |               |  |           |  |